

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN VAN ORNUM

Plaintiff(s),

No. C 05-03490 MHP

v.

MERCK & CO., INC.

Defendant(s).


MEMORANDUM & ORDER
Re: Motion to Stay

On August 8, 2005, plaintiff JOHN VAN ORNUM filed a complaint against MERCK & CO., INC. in the Superior Court of the State of California for the County of Shasta. The complaint seeks damages allegedly resulting from plaintiff's use of Vioxx, a drug manufactured by Merck. On August 29, 2005, Merck removed the action to this court on the basis of diversity jurisdiction. Presently before the court is Merck's motion to stay the action pending its transfer to the multidistrict litigation ("MDL") proceeding that has been established to deal with the large volume of Vioxx-related cases in federal court.

The power to stay proceedings in the interest of judicial economy is an inherent power left to the discretion of the court. Landis v. North Am. Co., 299 U.S. 248, 254 (1936). Upon entry of this order, Merck's motion to stay shall be deemed submitted. Unless plaintiff timely files a motion to remand, Merck's motion to stay will be GRANTED and further proceedings in this action shall be STAYED pending transfer of the action to MDL Proceeding No. 1657.

IT IS SO ORDERED.

Dated: October 24, 2005


MARILYN HALL PATEL
United States District Court Judge
Northern District of California

UNITED STATES DISTRICT COURT
For the Northern District of California